

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROQUETTE FRÈRES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-540 (***)
	)	
SPI PHARMA, INC. and DRYTEC LTD.,	)	
	)	
Defendants.	)	

---

**STIPULATION AND ORDER TO AMEND SCHEDULING ORDER**

IT IS HEREBY STIPULATED by the parties, subject to approval by the Court, that paragraph 3(d) of the First Amended Scheduling Order (D.I. 111) shall be amended to extend the deadlines for expert discovery as follows:

Disclosure of Expert Testimony. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before February 15, 2008. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before March 10, 2008. Along with the submissions of the expert reports, the parties shall advise of the dates and times of their experts' availability for deposition.

To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), as incorporated in Federal Rule of Evidence 702, it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

YOUNG CONAWAY STARGATT & TAYLOR LLP

*/s/ Julia Heaney (#3052)*

*/s/ Jeffrey Castellano (#4837)*

---

Mary B. Graham (#2256)  
Julia Heaney (#3052)  
Benjamin J. Schladweiler (#4601)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
*Attorneys for Plaintiff Roquette Frères*

---

John W. Shaw (#3362)  
Jeffrey Castellano (#4837)  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 571-6600  
*Attorneys for Defendants SPI Pharma, Inc. and  
Drytec Ltd.*

1390102

SO ORDERED this \_\_\_\_ day of January, 2008.

---

UNITED STATES DISTRICT JUDGE